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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,255	06/23/2000	George William McClurg	1823.0080001/MVM/LLM	8980

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EXAMINER

WANG, ALBERT C

ART UNIT PAPER NUMBER

2185

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/599,255

Applicant(s)

MCCLURG ET AL.

Examiner

Albert Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to Amendment A filed July 24, 2003 in which dependent claims 6 and 7 are amended.

Claim Objections

2. Applicant is advised that should claim 4 be found allowable, claim 8 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine et al., U.S. Patent No. 5,467,403 ("Fishbine"), in view of Casey, U.S. Patent No. 6,011,486.

As per claim 1, Fishbine teaches a mobile hand-held fingerprint scanner (Fig. 1, portable image collection unit 10 comprising fingerprint scanner 12), comprising:

an interface charged rechargeable power supply that powers the fingerprint scanner during mobile use (Col. 4, lines 23-29, when removed from charger it powers up); and

a data and power communication interface that couples data between the fingerprint scanner and a docking station (Fig. 1, base unit 8), and that provides power to charge said

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interface charged rechargeable power supply (Fig. 1, interfaces with I/F 32 and charger/cradle 34).

However, Fishbine does not expressly teach the data and power communication interface, whereby a dedicated plug for recharging a power supply separate from a data interface can be avoided. Casey teaches a USB plug for both recharging and data communication (Fig. 8, securing clip 114; fig. 7 and col. 6, line 59 – col. 7, line 2, USB interface is used for both recharging and data transfer). At the time of the invention, it would have been obvious to one of ordinary in the art to apply Casey's plug to Fishbine's fingerprint scanner. A motivation for doing so would have been to take advantage of a USB connection, which for instance offers a high speed serial link useful for image data transfer.

As per claim 2, Casey teaches at least one rechargeable battery (Fig. 7, battery 104). Fishbine also teaches at least one rechargeable battery (Col. 7, lines 54-61).

As per claim 3, Casey teaches a charging circuit (Fig. 7, voltage regulation circuit 103; fig. 7 and col. 6, line 59 – col. 7, line 2).

As per claims 4 and 8, by regulating voltage Casey's charging circuit regulates the rate of charging (Fig. 7, Vrecharge).

As per claim 5, Casey teaches a voltage regulator circuit that maintains a substantially constant output system voltage (Fig. 7, Vrecharge).

As per claim 6, Casey teaches a universal serial bus (Fig. 7).

As per claim 7, USB and IEEE 1394 are common high speed serial protocols. It would have been a matter of design substitution to replace Casey's USB interface with a IEEE 1394 (FireWire) interface.

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As per claim 10, since Fishbine/Casey teaches the fingerprint scanner of claim 1, the combination teaches the claimed method.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine/Casey as applied to claims 1 and 2 above, and further in view of Geiger, U.S. Patent No. 6,1254,010.

As per claim 9, while Fishbine/Casey teaches rechargeable batteries, the combination does not expressly teach nickel cadmium batteries. Geiger teaches that nickel cadmium rechargeable batteries are well known in the art (Col. 1, line 55 – col. 2, line 3).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Wang whose telephone number is 703-305-5385. The examiner can normally be reached on M-F (9:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

aw
August 6, 2003


THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100